

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ELIAS ABILHEIRA, ESQ.,
ABILHEIRA & ASSOCIATES, P.C.
34 East Main Street
Freehold, New Jersey 07728
(732)866-1883
Our File No.:0057
Attorneys for Defendants
SEAN WELSH, DELLI SANTI BULK
TRANSPORTATION AND TRUCKING, LLC.
-----X
BESHOY H. ZAKY,

-Plaintiff,

-v-

SEAN WELSH, DELLI SANTI BULK
TRANSPORTATION AND TRUCKING, LLC.,
AND JOHN DOE I-III,

NOTICE OF REMOVAL

-Defendants.

-----X

PLEASE TAKE NOTICE that on this date, defendants, SEAN WELSH, DELLI SANTI BULK TRANSPORTATION AND TRUCKING, LLC., by their undersigned counsel, has filed this Notice of Removal pursuant to 28 U.S.C. Section 1446(a), in the office of the Clerk of the United States District Court for the District of New Jersey.

Defendants, by their undersigned attorney, show:

1. Plaintiff, BESHOY H. ZAKY, brought an action against the defendants in the Superior Court, Hudson County, by filing an Verified Complaint on or about May 26, 2017. A true copy of the Verified Complaint is annexed as Exhibit **"A"**.

2. The Summons and Verified Complaint was received by defendant on or after July 14, 2017. A true copy of the Summons is

annexed as Exhibit "B".

3. Defendant served and filed an Answer with the Superior Court, Hudson County, and served same upon the plaintiff with a Demand for Statement of Damages on August 2, 2017. A true copy of the Answer with the Demand for Statement of Damages is annexed hereto as Exhibit "C".

4. On August 25, 2017, I received Plaintiff's Statement of Damages, dated August 23, 2017, seeking damages in the amount of Two-Hundred Fifth Thousand Dollars (\$250,000.00), exclusive of interest and costs. A true copy of the Statement of Damages is attached hereto as Exhibit "D".

5. It is only upon receipt of plaintiff's Statement of Damages that defendants were able to determine that the amount in controversy with respect to this matter exceeds \$75,000.00.

6. Plaintiff's Statement of Damages satisfies the requirement of an amended pleading, motion, order or other papers from which it may first be asserted that the case is one which is, or has become removable pursuant to 28 U.S.C. Section 1446(b)(3).

7. There have been no other proceedings in this action.

8. Plaintiff, BESHROY H. ZAKY, purports to be a resident and citizen of the State of New Jersey residing within the County of Hudson.

9. Defendant SEAN WELSH is a resident and citizen of the State of Pennsylvania, residing in the County of Carbon.

10. Defendant, DELLI SANTI BULK TRANSPORTATION AND TRUCKING,

LLC., is a Company formed under the laws of the Commonwealth of Pennsylvania, business, with its principal place of business located at 11 Brick Kiln Ct., Northampton, State of Pennsylvania, County of Northampton.

11. There are no other defendants which can be ascertained at this time who are believed to reside in New Jersey.

12. Jurisdiction over the subject matter of this action is conferred on the Court by 28 U.S.C. Section 1446(b).

13. Jurisdiction in this Court is proper pursuant to 28 U.S.C. Section 1332, in that the parties are of complete diversity, the amount in controversy exceeds 75,000.00, exclusive of interest and costs, and no defendant is citizen of the State of New Jersey.

14. This notice is filed with this Court within thirty (30) days of defendants' receipt "Through service or otherwise of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable" as provided by 28 U.S.C. Section 1446(b)."

PLEASE TAKE FURTHER NOTICE, that defendants, upon filing the Notice of Removal in the Office of the Clerk of the United States District Court for the District of New Jersey, has also electronically filed copies of the Notice with the Clerk of the

Superior Court, Hudson County, to effect removal of this action to the United States District Court pursuant to 28 U.S.C. § 1446(d).

Dated: August 30, 2017

ABILHEIRA & ASSOCIATES, P.C.
Attorneys for Defendants
SEAN WELSH, DELLI SANTI BULK
TRANSPORTATION AND TRUCKING, LLC.

By:



ELIAS ABILHEIRA, ESQ.